
BZA-1861
PATRICIA L BRETTNACHER
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is also the owner, is seeking a special exception to permit a boarding kennel with accessory grooming (SIC 0752). The operation will be open by appointment seven days per week and to the public weekdays 7a.m.-6p.m. and Saturdays 7a.m.-2p.m. until noon; pets will be boarded 24 hours per day, 7 days per week. The 20-acre property is located just north of the CR 300 N bridge over the Hoosier Heartland in the A zoning district, Fairfield 1(SW) 23-4 (UZO 3-2).

AREA ZONING PATTERNS:

This property is currently zoned A, Agricultural. Land to the north, east, and west is also zoned A; farther west along 300 N is a zoning boundary dividing A and R1 (residential) which runs along the Dry Run Creek. Land south of 300 N is primarily zoned R1 except for the I2 associated with Road Works, the A zoning associated with Aretz Acres LLC and the I3 lot owned by Irving Materials.

Land along 300 N has seen its share of rezone petitions in the last 10 years. In March 2007 a 25 acre rezone from R1 to I2 was denied by APC and withdrawn before the County Commissioners' vote (Z-2323). A month earlier, in February 2007, a 10.5 acre rezone from R1 to I3 was also denied by APC and withdrawn before the County Commissioners' meeting (Z-2311). Further west along 300 N is a 20 acre site that was rezoned from R1 to I2 in August of 2005 (Z-2257) permitting Roadworks, a semi-tractor accessory business to relocate from Wabash Township.

The Area Board of Zoning Appeals granted two special exceptions at same site just west of Roadworks, the first for a motor freight transportation warehouse business (SIC 42), (BZA-1490) and the second in December 2011 for a General Contractor (SIC15), (BZA-1843).

AREA LAND USE PATTERNS:

This site is currently in row crop production. A wooded creek area separates the site from its neighbor to the west, Heartland Community Church. Directly east and north of the special exception are agricultural fields; north are two single family homes. On the south side of 300 N the city purchased 34 acres for future well fields. Further west along 300 N is Roadworks, and directly west is the old Aretz airport buildings which now houses a motor freight transportation and warehousing operation. The rest of the neighboring properties are used residentially or agriculturally.

TRAFFIC AND TRANSPORTATION:

There is an existing drive and entrance that was constructed when the 300 N bridge over the Hoosier Heartland was built. It currently serves as the access for the two single family homes and the kennel operation will also use this driveway. County Highway stated that the entrance will need to be widened to meet commercial drive standards.

Uses in the A zone are not required to pave their parking area and petitioner does not plan to pave the drive. There is an adequate area for the required parking between the building and the driveway. Kennels are required to have one space per employee on the largest shift plus one space per 200 sq feet of office area. The grooming area has the same parking requirements as office space. The sight plan states that the office space in the building is 768 square feet and the grooming area is 320 square feet for a total of 1088 square feet. If the six spots are added to the number of employees on the largest shift, ten, then the propose site plan is required to have 16 spaces; a new site plan showing detailed parking lot on site will be required before petitioner applies for an Improvement Location Permit.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Sewer and water do not serve the site. The site will be served by a commercial septic approved by the state department of health. The proposed operation will also need to receive drainage board approval before construction.

STAFF COMMENTS:

Petitioner plans to build an 80' x 66' pole structure with a finished interior on a foundation to be used as a pet boarding kennel with accessory grooming. The building will be able to house up to 45 dogs and 14 cats with a daily drop off service for "doggy day-care." Grooming is allowed as an accessory use to a boarding kennel; animals will be groomed indoors only. The building will be temperature controlled and ventilated.

There will be an additional perimeter fence; it will be used only as a precautionary measure so it does not need to meet the 200' setback requirement. The plan shows three dog runs; two to the west of the building and one to the north.

The building will be built on petitioner's farm field. It will be 220' north of the right-of-way, and 200' from the east property line. The dog runs will be 200' from the west property line and over 1000' from the north property line. These setbacks meet the additional setbacks required for a kennel.

At its meeting on August 1, 2012 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **authorizes** the special exception for a boarding kennel in the A zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. The site plan shows all the requirements and restrictions for a boarding kennel will be met including minimum lot size of at least 5 acres, setbacks, and temperature controlled building and mechanically ventilated building.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The location of this site, in regard to access on the county road and proximity to neighbors allow this use to operate in a way that will have a minimal effect on surrounding uses in this location.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: The petition states that 12 customers will visit the site daily. With the completion of the Hoosier Heartland just on the horizon staff anticipates development in this area of the county will intensify. This use is in line with increased traffic in this area.
 - b. Placement of outdoor lighting: the site plan show security lighting and entry point lighting; this type of lighting is typical of uses in the A zone.
 - c. Noise production: The building will be sound proofed and no more than 12 dogs will be outside in the runs at any one time. The closest neighbor is located over 1000' away. This operation will have a minimum affect on neighboring property.
 - d. Hours of operation: Although employees will be on site most of the day, the hours open to the public are: weekdays 7a.m.-6p.m.; Saturday 7a.m.-2p.m.; Sunday 4-6p.m. and 7 days a week by appointment. Boarding of pets will be 24 hours a day, seven days a week. These hours will not be intrusive to neighboring uses.

STAFF RECOMMENDATION:

Approval with the following conditions:

1. Petitioner must submit a new site plan with required parking delineated; and
2. Before applying for an Improvement Location Permit, petitioner must submit a driveway permit from County Highway.